

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD R. KNIGHT, JR.]	
Petitioner,]	
]	
v.]	No. 3:11-0649
]	Judge Sharp
STATE OF TENNESSEE]	
Respondent.]	

O R D E R

On September 20, 2011, an order (Docket Entry No.10) was entered dismissing the instant *pro se* § 2254 habeas corpus action as untimely. At that time, the Court determined that a certificate of appealability should not issue. 28 U.S.C. § 2253(c).

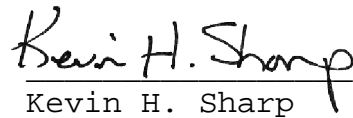
Since the entry of this order, the petitioner has filed a Notice of Appeal (Docket Entry No.19), an application to proceed on appeal in forma pauperis (Docket Entry No.25), and a motion (Docket Entry No.24) to file the application to proceed on appeal in forma pauperis out of time.

The petitioner's motion to file the application to proceed on appeal in forma pauperis out of time is GRANTED.

Having determined that it would not be appropriate to issue a certificate of appealability, an appeal would not be brought in good faith. 28 U.S.C. § 1915(a)(3). Accordingly, petitioner's application to proceed on appeal in forma pauperis is hereby

DENIED. The Clerk shall forward a copy of this order to the Clerk of the Sixth Circuit Court of Appeals.

It is so ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Kevin H. Sharp
United States District Judge